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11 ANDRE KHAZRAEI

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14

15 ANDRE KHAZRAEI, an individual,

16 Plaintiff,

17 vs.  
18

19 CHRISTOPHER BROWN AKA CHRIS  
20 BROWN, an individual; and DOES 1-  
21 25, inclusive,

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No.:

**COMPLAINT FOR**

- (1) **TRADEMARK INFRINGEMENT (15 U.S.C. § 1114)**
- (2) **FEDERAL UNFAIR COMPETITION (15 U.S.C. § 1125(a))**
- (3) **CALIFORNIA COMMON LAW TRADEMARK INFRINGEMENT**
- (4) **STATUTORY UNFAIR COMPETITION (CAL. BUS. & PROF. CODE § 17200)**

**[Demand for Jury Trial]**

1 For his Complaint against CHRISTOPHER BROWN AKA CHRIS BROWN,  
2 an individual, and DOES 1-25, inclusive, Plaintiff ANDRE KHAZRAEI, an  
3 individual, alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. This action arises under the federal trademark statute (the “Lanham  
6 Act”), 15 U.S.C. § 1051, *et seq.*, and under the common law of the State of  
7 California. This Court has subject matter jurisdiction over the federal trademark,  
8 false advertising, and unfair competition claims pursuant to 15 U.S.C. § 1121 and 28  
9 U.S.C. §§ 1331, 1332, 1338, and 1367. The Court has subject matter jurisdiction  
10 over the related California state law claims pursuant to 28 U.S.C. §§ 1338 and 1367.  
11 The Court has supplemental jurisdiction over the third and fourth claims pursuant to  
12 28 U.S.C. § 1367.

13 2. The amount in controversy between the parties exceeds \$75,000.

14 3. Plaintiff is informed and believes, and on that basis alleges, that this  
15 Court has personal jurisdiction over Defendant because he resides in this judicial  
16 district, has extensive contacts with, and conducts business within, the State of  
17 California and this judicial district; Defendant has caused KONFUSED products to  
18 be advertised, promoted, and sold in this judicial district; the causes of action  
19 asserted in this Complaint arise out of Defendant’s contacts with this judicial  
20 district; and because Defendant has caused injury to Plaintiff in this judicial district.

21 4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and  
22 (c) because Defendant resides in this judicial district; Defendant has extensive  
23 contacts with, and conducts business within, the State of California and this judicial  
24 district; Defendant has caused KONFUSED products to be advertised, promoted,  
25 and sold in this judicial district; the causes of action asserted in this Complaint arise  
26 out of Defendant’s contacts with this judicial district; and because Defendant has  
27 caused tortious injury to Plaintiff in this judicial district.

**THE PARTIES**

5. Plaintiff Andre Khazraei is an individual who resides in Los Angeles County, California.

6. Plaintiff is informed and believes that Defendant Christopher Brown aka Chris Brown is an individual who also resides in Los Angeles County. Plaintiff is informed and believes that Brown does business in this judicial district by promoting and/or selling products that infringe Plaintiff's trademark in this judicial district.

**BACKGROUND FACTS**

7. Plaintiff Andre Khazraei is an artist from Los Angeles, California who created the KONFUSED trademark as early as 2003. KONFUSED is Khazraei's artistic name and he uses this name exclusively on his artwork. In addition, Khazraei has used his trademark on his artwork, clothing, as well as in other medium. A depiction of Khazraei's mark is set forth below:

The image shows the word "KONFUSED" in a bold, black, handwritten-style font. The letters are thick and slightly irregular. To the right of the word, there is a stylized signature or mark that appears to be "KJ" or similar, also in black ink.

8. Khazraei registered his KONFUSED mark with the United States Patent and Trademark Office ("USPTO") on March 3, 2008, and has continuously used the mark since that time. On March 31, 2009, the USPTO issued to Plaintiff U.S. Trademark Registration No. 3597500.

9. The KONFUSED® registration is in full force and effect on the USPTO's Principal Register, and gives rise to presumptions in favor of KONFUSED® with respect to validity, ownership, and exclusive rights to use the KONFUSED® mark throughout the United States.

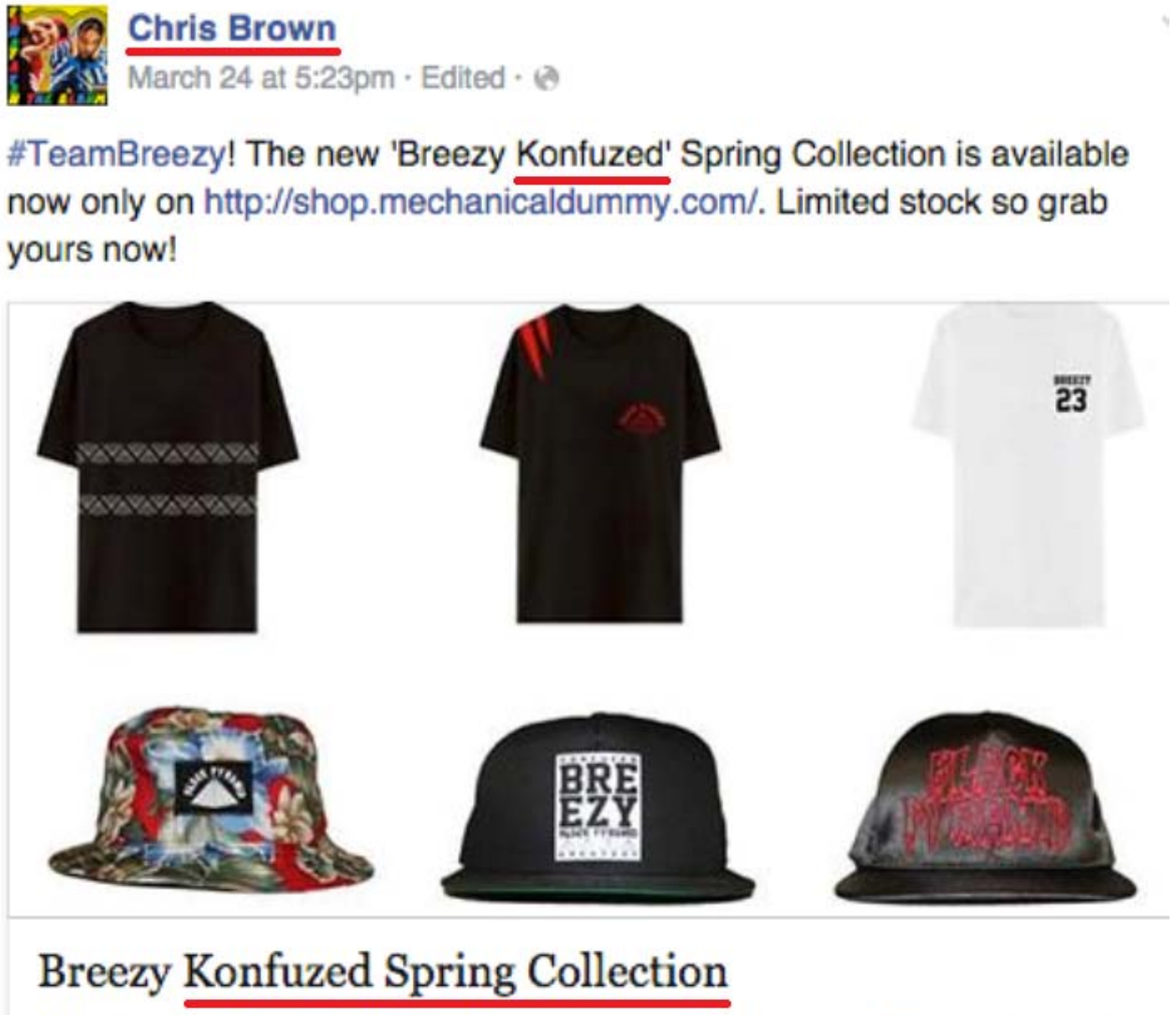
1           10. Defendant Chris Brown is a famous and internationally-known  
2 recording artist, dancer, actor, and entertainer. Without Plaintiff's permission,  
3 Brown has used and advertised Plaintiff's KONFUSED<sup>®</sup> trademark, and  
4 confusingly similar variations thereof, on Defendant's t-shirts, hats, and other  
5 clothing apparel.

6           11. An example of Brown's use of the KONFUSED<sup>®</sup> mark on his clothing  
7 line is set forth below.



22           12. Brown has used his media presence to promote his use of Khazraei's  
23 KONFUSED<sup>®</sup> mark. In addition, Brown has now taken to using the term  
24 KONFUSED throughout social media, such as Instagram, Twitter, and Facebook,  
25 where Khazraei is informed and believes that Brown has in excess of 80 million  
26 followers.

13. The following is an example of Brown's personal efforts on his Facebook page to promote his Breezy clothing line which contains infringing uses of Khazraei's mark.





1           14. Brown also promoted his use of Khazraei's mark during his concert  
2 tours. The following is an example of Brown wearing a hat with the infringing  
3 mark:



20           15. Brown now uses the mark on his artwork in the same manner as  
21 Khazraei. An example of a Brown's signature on a painting of his contained at the  
22 Grammy Museum in downtown Los Angeles is set forth below:



1           16. There is a likelihood of confusion between Khazraei's KONFUSED®  
2 mark and Brown's infringing use of that mark. In addition, based on Brown's  
3 celebrity status, Khazraei's KONFUSED® mark has a reasonable likelihood of  
4 reverse confusion.

5                                   **FIRST CLAIM FOR RELIEF**

6                                   **Federal Trademark Infringement (15 U.S.C. § 1114)**

7           17. Plaintiff incorporates by reference the preceding allegations of this  
8 Complaint.

9           18. Brown has used Khazraei's KONFUSED® mark without permission  
10 including, without limitation, in the manner described above.

11           19. Brown has used the KONFUSED® trademark, and confusingly similar  
12 variations thereof, in commerce to advertise, promote, market, and sell Brown's  
13 merchandise and brand throughout the United States in a manner that constitutes  
14 trademark infringement in violation of 15 U.S.C. § 1114.

15           20. The actions of Defendants, if not enjoined, will continue. Plaintiff has  
16 suffered and continues to suffer damages in an amount to be proven at trial  
17 consisting of, among other things, diminution in the value of and goodwill  
18 associated with the KONFUSED® mark, and injury to Plaintiff's business.

19           21. Plaintiff is therefore entitled to injunctive relief pursuant to 15 U.S.C. §  
20 1116. Pursuant to 15 U.S.C. § 1117, Plaintiff is entitled to recover damages in an  
21 amount to be determined at trial, including profits made by Brown on his infringing  
22 sales.

23           22. Plaintiff is informed and believes, and on that basis alleges, that the  
24 actions of Defendants were undertaken willfully, making this an exceptional case  
25 entitling Plaintiff to recover additional treble damages and reasonable attorneys'  
26 fees pursuant to 15 U.S.C. § 1117.

**SECOND CLAIM FOR RELIEF**

**Federal Unfair Competition (15 U.S.C. § 1125(a))**

23. Plaintiff incorporates by reference the preceding allegations of this Complaint.

24. Defendants' actions described above and specifically, without limitation, Defendants' use of the term KONFUSED and confusingly similar variations thereof, in commerce, and to advertise, market, and sell Defendant's clothing apparel, artwork, social media and to promote himself and the same constitute unfair competition and false advertising in violation of 15 U.S.C. § 1125(a).

25. There is a likelihood of confusion between Khazraei's use of the term KONFUSED and that of Brown.

26. As an actual and proximate result of Defendant's conduct, Plaintiff has suffered damages in an amount to be determined at trial, and unless Defendants are enjoined, Plaintiff will continue to suffer irreparable harm and damage to its business, reputation, and goodwill.

27. Plaintiff is therefore entitled to injunctive relief pursuant to 15 U.S.C. § 1116. Pursuant to 15 U.S.C. § 1117, Plaintiff is entitled to recover damages in an amount to be determined at trial, including profits made by Brown on his infringing sales.

28. Plaintiff is informed and believes, and on that basis alleges, that the actions of Defendants were undertaken willfully, making this an exceptional case entitling Plaintiff to recover additional treble damages and reasonable attorneys' fees pursuant to 15 U.S.C. § 1117.



**THIRD CLAIM FOR RELIEF**

**California Common Law Trademark Infringement**

29. Plaintiff incorporates by reference the preceding allegations of this Complaint.

30. Defendants' actions described above and specifically, without limitation, Defendants' use of the term KONFUSED and confusingly similar variations thereof, in commerce and to advertise, market, and sell Defendants' clothing apparel, artwork, social media and to promote himself and the same constitute trademark infringement under the common law of the State of California.

31. There is a likelihood of confusion between Khazraei's use of the term KONFUSED and that of Defendants.

32. As an actual and proximate result of Defendants' conduct, Plaintiff has suffered damages in an amount to be determined at trial, and unless Defendants are enjoined, Plaintiff will continue to suffer irreparable harm and damage to its business, reputation, and goodwill.

**FOURTH CLAIM FOR RELIEF**

**Statutory Unfair Competition (Cal. Bus. & Prof. Code § 17200)**

33. Plaintiff incorporates by reference the preceding allegations of this Complaint.

34. Defendants' actions described above and specifically, without limitation, Defendants' use of the term KONFUSED and confusingly similar variations thereof, in commerce and to advertise, market, and sell Defendants' clothing apparel, artwork, social media and to promote himself and the same constitute unfair competition and an unfair and unlawful business act in violation of California Business and Professions Code § 17200.

35. As a result of Defendants' conduct, Plaintiff has suffered and will continue to suffer damage in an amount to be proven at trial, including, but not limited to its business, reputation, and goodwill.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- (1) A permanent injunction;
- (2) Compensatory damages;
- (3) Restitutionary damages;
- (4) Damages to compensate for Defendants' unjust enrichment, including, but not limited to a disgorgement of Defendants' profits;
- (5) Damages pursuant to 15 U.S.C. § 1117, including, but not limited to, Defendants' profits;
- (6) Trebling of damages and attorneys fees and costs of suit pursuant to 15 U.S.C. § 1117 to the extent Defendants' conduct was willful, intentional, and deliberate in violation of the Lanham Act;
- (7) Prejudgment interest to the extent allowed by law;
- (8) Attorney's fees and costs as otherwise allowed by law; and
- (9) For such other and further relief as the Court deems just and equitable.

DATED: April 6, 2016

KNEAFSEY & FRIEND LLP

By /s/ Sean M. Kneafsey

Sean M. Kneafsey  
Attorneys for Plaintiff ANDRÉ KHAZRAEI

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of any issue triable by right of a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

DATED: April 6, 2016

KNEAFSEY & FRIEND LLP

By                     /s/ Sean M. Kneafsey

Sean M. Kneafsey  
Attorneys for Plaintiff ANDRÉ KHAZRAEI